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Attorneys for Defendants

THE SWISS CONFEDERATION, THE FEDERAL ATTORNEY GENERAL
OF SWITZERLAND, GERALD SAUTEBIN AND BRENT HOLTkamp

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OLIVER HILSENrATH, ET AL.,

Plaintiffs,

v.

THE SWISS CONFEDERATION, THE
FEDERAL ATTORNEY GENERAL OF
SWITZERLAND, GERARD SAUTEBIN,
BRENT HOLTkamp,

Defendants.

Case No. C-07-2782-WHA

E-Filing

DEFENDANTS' FURTHER CASE
MANAGEMENT STATEMENT

Date: November 1, 2007

Time: 2:00 p.m.

Courtroom: 9, 19th Floor

Judge: The Hon. William H. Alsup

Defendants THE SWISS CONFEDERATION, THE FEDERAL ATTORNEY
GENERAL OF SWITZERLAND, GERALD SAUTEBIN and BRENT HOLTKAMP
("Defendants") submit this Further Case Management Statement.

1. Jurisdiction and Service: Defendants have filed a Motion to Dismiss for failure to serve any of the Defendants, lack of subject matter and personal jurisdiction based on the Foreign Sovereign Immunities Act, the absence of material contacts of Messrs. Sautebin and Holtkamp with California and the United States, the Act of State Doctrine, and failure to state a claim. Defendants also filed a motion to strike Plaintiffs' Request to Clerk to Enter Default, which motion was granted by order dated October 17, 2007.

2. Facts: Plaintiffs allege that Defendants conducted an investigation of certain activities of Plaintiff Oliver Hilsenrath, issued a warrant for his arrest, froze his assets and refused to release the assets when requested to do so by the U.S. government. Defendants agree and add that the assets in question were frozen in connection with a Swiss criminal investigation of Plaintiff Oliver Hilsenrath's possible violations of Swiss law.

3. Legal Issues: Plaintiffs have alleged that Defendants violated their rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution. Defendants have filed a Motion to Dismiss for failure to serve any of the Defendants, lack of subject matter and personal jurisdiction based on the Foreign Sovereign Immunities Act, the absence of material contacts of Messrs. Sautebin and Holtkamp with California and the United States, the Act of State Doctrine, and failure to state a claim because the U.S. Constitution does not apply to Defendants.

4. Motions: Defendants filed a motion to dismiss on August 6, 2007, described above. The Court has reset the hearing on this motion from October 25 to November 1.

5. Amendment of Pleadings: None currently expected.

6. Evidence Preservation: Not applicable.

7. Disclosures: Initial disclosure requirements of Fed. R. Civ. P. 26 are not applicable in light of Motion to Dismiss.

1 8. Discovery: Discovery is not applicable in light of Motion to Dismiss.

2 9. Class Actions: Not applicable.

3 10. Related Cases: CR03-00213 WHA (*U.S.A. v. Hilsenrath, et al.*); C 03-
4 03252 WHA (*Securities and Exchange Commission v. Hilsenrath, et al.*), and C07-05100
5 WHA (*Hilsenrath v. United States of America*).

6 11. Relief: Plaintiffs apparently seek a total of \$26.05 million, plus additional
7 damages to be determined. Defendants reject liability, and in any event pursuant to 28
8 U.S.C. § 1609, would be immune from execution of a judgment in Plaintiffs' favor.

9 12. Settlement and ADR: A settlement conference is scheduled before
10 Magistrate Judge Spero on November 20, 2007. For the reasons set forth in Defendants'
11 Motion to Dismiss, there are no prospects for settlement at this time.

12 13. Consent to Magistrate Judge For All Purposes: Defendants do not consent to
13 have a magistrate judge conduct all further proceedings.

14 14. Other References: The case is not suitable for reference to binding
15 arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

16 15. Narrowing of Issues: The parties have not agreed on a mechanism for
17 narrowing the issues.

18 16. Expedited Schedule: Pending the Court's determination of the Motion to
19 Dismiss, there are no proposals to expedite the schedule.

20 17. Scheduling: The hearing date on the Motion to Dismiss has been set by the
21 Court for November 1, 2007 at 2:00 p.m.

22 18. Trial: Pursuant to 28 U.S.C. § 1330(a), the case would have to be tried to
23 the court. Defendants expect the case to be dismissed and therefore there will be no trial.

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1 19. Disclosure of non-party interested entities or persons: Civil Local rule 3-16
2 is not applicable to Defendants, who are governmental entities.

3 Dated: October 23, 2007.

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